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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,055	09/16/2003	Yan Chang	GLYO-P02-007	5479
28120	7590	07/25/2005	EXAMINER	
FISH & NEAVE IP GROUP ROPES & GRAY LLP ONE INTERNATIONAL PLACE BOSTON, MA 02110-2624			WHITE, EVERETT NMN	
			ART UNIT	PAPER NUMBER
			1623	

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/665,055

Applicant(s)

CHANG ET AL.

Examiner

EVERETT WHITE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) 23-43 and 46 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16, 44 and 45 is/are allowed.
- 6) ☒ Claim(s) 17-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/11/05 & 6/28/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed May 9, 2005 has been received, entered and carefully considered. The amendment affects the instant application accordingly:

- (A) New Claims 22-46 have been added;
- (B) Claims 1, 11 and 17 have been amended;
- (C) Comments regarding Office Action have been provided drawn to:
 - (I) 112, 2nd paragraph rejection, rendered moot by new ground of rejection;
 - (II) Double Patenting rejections, which have been withdrawn.

2. Claims 1-46 are pending in the case.

3. The text of those sections of Title 35, U. S. Code not included in this action can be found in a prior Office action.

4. Newly submitted Claims 23-43 and 46 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

The originally claimed inventions, which are directed to a method for inhibiting angiogenesis and the newly submitted methods for treating various disease conditions which are set forth in Claims 23 and 33 and method for contraception in a mammal which is cited in Claim 46 are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions obviously have different modes of operation, different functions, and different effects.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, Claims 23-43 and 46 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 17-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 17-22 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted element is: the actual diseased condition, which is being treated. Claim 17 fails to recite what ailment is being treated which renders Claim 17 and claims depending therefrom indefinite (see Claims 18-22).

7. Applicant's arguments with respect to Claims 17-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Raz et al (US Patent No. 5,895,784).

Applicant claims a method for the therapeutic treatment of a disease condition in an animal, the progress of which disease condition is dependent upon neovascularization in the tissues of said animal, said method comprising: administering to said animal a therapeutically effective amount of a compound which binds to a galectin, said compound comprising a polymeric backbone which is a partially demethoxylated polv-galacturonic acid interrupted with rhamnose residues having a molecular weight of up to 200 kDa; whereby said compound decreases the rate of angiogenesis and neovascularization in said tissues. It is noted that Claims 17-22 do not recite a particular ailment,

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which is being treated. Hence, Claims 17-22 read on the treatment of any and all diseases.

The Raz et al patent discloses a method for the treatment of cancer in mammals which involved administering to the mammal afflicted a pH modified citrus pectin, which inhibits metastasis of primary tumors (see abstract). See column 5, line 58, wherein the modified citrus pectin thereof is substantially demethoxylated and at column 5, lines 33-35, Raz et al discloses the modified pectin as having a molecular mass of from about 1 to 15 kd (kilodaltons). The Raz et al patent discloses in column 7, lines 9-11 that it had been previously demonstrated that MCP (modified citrus pectin) could interfere with cell-cell interactions mediated by cell surface carbohydrate-binding galectin-3 molecules, which embraces the subject matter of instant Claim 18. See column 4, first paragraph, for a list cancers that may be treated in the Raz et al patent. The method recited in the Raz et al patent anticipates the instantly claimed method when tumors are selected as the disease condition.

9. Applicant's arguments with respect to Claims 17-22 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

10. Claims 1-16, 44 and 45 are allowed.

11. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not teach or fairly suggest a method for inhibiting angiogenesis in an organism by administering to said organism a therapeutically effective amount of a compound comprising a polymeric backbone which is partially demethoxylated polygalacturonic acid interrupted with rhamnose residues having a molecular weight of up to 200 kDa.

Reply To Final Must Include Cancellation

12. This application contains Claims 23-43 and 46 drawn to an invention nonelected by original presentation in the instant Office Action. A complete reply to the final

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rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Summary

13. Claims 1-16, 44 and 45 are allowed; Claims 17-22 are rejected; and Claims 23-43 and 46 are withdrawn from consideration.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Examiner's Telephone Number, Fax Number, and Other Information

15. For 24 hour access to patent application information 7 days per week, or for filing applications, please visit our website at www.uspto.gov and click on the button "Patent Electronic Business Center" for more information.

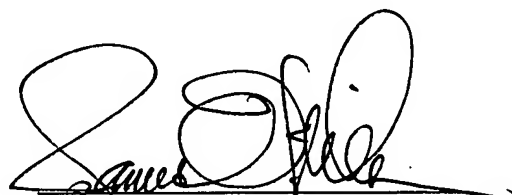
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Everett White whose telephone number is (571) 272-0660. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson, can be reach on (571) 272-0661. The fax phone number is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-1600.


E.White


James O. Wilson
Supervisory Primary Examiner
Technology Center 1600